

# LA-Z-BOY®

LA-Z-BOY® INCORPORATED / 1284 N. Telegraph Road, Monroe, Michigan 48162-3390, Phone: (734) 242-1444  
WEB SITE [www.lazboy.com](http://www.lazboy.com) FAX: Logistics (734) 384-4834 FAX: Accounting (734) 241-2635  
Advertising (734) 241-4422 Orders (734) 457-2007

January 16, 2003

Ms. Rebecca Kane  
U.S. Environmental Protection Agency  
Office of Enforcement and Compliance  
MC 2222A  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

**Re: Enforcement and Compliance History Online Web Site**

Dear Ms. Kane:

Pursuant to the November 20, 2002, Federal Register notice establishing a 60-day period to comment on EPA's Enforcement and Compliance History Online (ECHO) web site, please consider the following comments.

La-Z-Boy Incorporated conducts manufacturing operations in nine different states through its 15 independent divisions. While going through the ECHO records available for 22 of our manufacturing sites, I was surprised to find errors in nearly half of the records. Some of the errors seem minor, such as incorrect dates. However, many of the errors are so egregious as to mislead the person reading the ECHO report into believing that a manufacturing site has been out of compliance for 6 to 24 months and is considered by EPA to be a high priority violator (HPV). In reality, these sites have been completely or substantially in compliance for at least the last five years.

Since many of the listed violations are related to state inspections, I called several state environmental agencies in an effort to track down the source of the errors. In some cases, when a potential violation is noted during an inspection, the compliance personnel will log the plant in noncompliance for that quarter, and every quarter after that until a Notice of Violation is issued. If the state takes more than four or five months to make a decision, which is often the case, it appears as though the plant has been committing violations for three consecutive calendar quarters.

Even more disturbing was the news I received from two different state environmental compliance offices. I was told that the La-Z-Boy compliance data in their databases was correct, but the data had been corrupted when it is uploaded to EPA. Both agencies told me that they had informed EPA of this problem on more than one occasion, but as far as they could tell, nothing had been done to correct the situation. If several of our 22

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facilities listed on ECHO have this problem, it is likely that there are many more examples of corrupted data out of the thousands of sources listed on the ECHO web site.

The following examples of inaccurate and misleading ECHO data illustrate the points I have made. Since records are listed by name rather than a unique number, I will reference each site with the name it is listed under on the ECHO web site.

1. "PA House Incorporated" in Lewisburg, TN. This facility had a joint state/EPA RCRA inspection on September 26, 2002. Though lids on the hazardous waste satellite accumulation drums were in place, the EPA inspector decided they were not on tight enough. Also, one manifest copy signed by the TSD was missing. The lids were immediately tightened and the manifest was quickly found and faxed to the Pennsylvania DEP and to EPA. If a Notice of Violation (NOV) is to be assessed, the Pennsylvania DEP tells me that it will come from the EPA. As of the writing of this letter, we still have not received any indication from EPA whether an NOV will be issued. However, Pennsylvania's database and the ECHO web site show that the plant committed RCRA violations during the Jul-Sep02 and Oct-Dec02 quarters. The state is likely to continue to list the plant in violation until the EPA makes a decision.
2. "Kincaid Furn Plt 8" in Lenoir, NC. The last recorded violation at this plant occurred in the third quarter of 2000. However, the ECHO records indicated SIP violations occurred in the Jan-Mar01 and Apr-Jun01 quarters.
3. "Kincaid Furniture Company Plant Number 8" in Lenoir, NC. This is a duplicate of the "Kincaid Furn Plt 8" records listed above. However, this ECHO record does not list any violations at the plant.
4. "Kincaid Furniture Company Plant Number 1 and Number" in Hudson, NC. These records are for Kincaid Plants 1 and 6. The first RCRA violation was for failure to show the location of fire extinguishers on a facility drawing. The violation occurred during the Apr-Jun01 quarter, but is listed under Jul-Sep01. A second violation listed on ECHO, which we have no record of, is the issuance of a RCRA "Generator Pre-Transport Requirements" violation during the Jul-Sep01 quarter. Another violation, this one for a minor documentation error at Plant 1 in the Jul-Sep01 quarter, is incorrectly listed under Oct-Dec01. Then there are the Plant 1 emission and procedural violations listed in the Apr-Jun02, Jul-Sep02, and Oct-Dec02 quarters, which never happened. Related to these fictitious violations is an indication that in the Apr-Jun02 and Jul-Sep02 quarters, under the HPV history, the state is considering formal enforcement action. Though there were only two minor CAA violations at Plant 1 during the last two years, the Compliance Summary Data table incorrectly indicates six quarters of noncompliance. The same table indicates one quarter of CAA noncompliance at Plant 6, even though there have been no violations during the last two years and there are no violations indicated in the Compliance Status by Quarter table.
5. "Lea Industries" in Morristown, TN. This record is for Lea Plant 4. The HPV row in the Compliance Status by Quarter table indicates the state has addressed formal enforcement violations for the last eight quarters. The Compliance Summary Data table indicates eight quarters of CAA noncompliance and that the facility is

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- currently an HPV. In reality, the plant has had no violations in the last two years. When I contacted the state, I was told that the data is correct in their database.
6. "American Furniture Company" in Ridgeway, VA. The Compliance Status by Quarter table correctly indicates that the facility has been shut down for the last two years. However, the Compliance Summary Data table incorrectly indicates eight consecutive quarters of CAA violations.
  7. "American Furniture Company Incorporated" in Martinsville, VA. This facility had one minor recordkeeping violation in June 2001, which was quickly resolved. In the HPV History row of the Compliance Status by Quarter table, six quarters of formal state enforcement are indicated. In the Compliance Summary Data table, six quarters of noncompliance are indicated and the facility is listed as an HPV.
  8. "La-Z-Boy Utah" in Tremonton, UT. The EPA Formal Enforcement Cases (02 year history) table lists a violation that was filed nearly three years ago and settled 28 months ago.

In just the eight examples above, there are three violations listed during incorrect quarters, two facilities incorrectly listed as high priority violators, and 31 fictitious violations. Even the most cursory review of the ECHO records would reveal at least some of these errors. Therefore, it is obvious that the EPA has made no attempt to control the quality of the ECHO data. Even more upsetting is that, after being told the state compliance data can become corrupted when transferred electronically, the EPA publishes the data on the Internet without first fixing the problem and correcting the flawed data.

La-Z-Boy works very hard to be a responsible corporate citizen and we are proud of our environmental compliance record. La-Z-Boy is strongly apposed to the EPA publishing compliance data in any format until controls are in place to ensure that the states and EPA enter data correctly, the accuracy of the data is not compromised during electronic transfer, and historical data is corrected.

Thank you for considering these comments. I look forward to receiving your response.

Sincerely,



Michael W. Hewett  
Corporate Environmental Manager

Cc: Bob Varney, Pennsylvania House  
Lewis Herman, Kincaid Furniture  
Stephanie St. Pierre, Lea Industries  
Bob Gerken, American Furniture  
Norm Davis, La-Z-Boy Utah  
Bill Perdue, AFMA